

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) **8:07CR180**
)
vs.)
)
)
MARLON WHITE EYES,)
)
)
Defendant.) **ORDER**

This matter is before the court on the defendant's motion to continue trial [51]. For good cause shown, and upon the representation that opposing counsel has no objection,

IT IS ORDERED that the motion is granted, as follows:

1. The trial of this matter is continued to **February 26, 2008**.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **January 29, 2008 and February 26, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED January 4, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**